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computer code for logging the out of compliance event to the event logger.

### REMARKS

Claims 1-16 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,141,777 issued to Cutrell et al in view of U.S. Patent 6,470,385 issued to Nakashima et al and further in view of U.S. Patent 5,666,481 issued to Lewis. It is respectfully submitted that there is no incentive or teaching to combine these references. Furthermore, none of these references, individually or in combination, teach the present invention.

Cutrell discloses a system and method for reporting, directly to a customer, conditions of a telecommunications network to which the customer subscribes where the fault information is collected from a telecommunications network management system. (at Abstract). Significantly, Cutrell relies upon keeping track of network faults and does not disclose determining particular devices and/or nodes at which the faults occur. This is illustrated in Fig. 1 of Cutrell described at column 3, lines 2-4, "Network management system 104 collects network events, including alarms and traffic densities from a common carrier network...". To reiterate, the system of Cutrell only collects faults at a network level and does not provide information about network faults at a node or individual device level providing a limited diagnostic tool.

The Nakashima reference discloses a network monitoring system having a point to multipoint connector passing through a broadcaster for transmitting status messages over a point to multipoint connection when a status change is detected in a network device being monitored. (at Abstract) Referring to Fig. 1 of Nakashima and the associated description at column 4, lines 41 – 51,

“When a status change is observed in the monitored controller 10a, a status message transmission unit 12 sends a status message T to the monitoring stations 40a to 40n... This status message T, ... delivers event information such as faults or configuration changes [that have] occurred in the monitored controllers 10a to 10n. Such a status message T is transmitted immediately when each event occurs, and the broadcast unit 20 distributes it simultaneously to the plurality of monitoring stations 40a to 40n...”. (emphasis added)

Therefore, Nakshima generates a status message T for every status change observed in the monitored controller which is then immediately transmitted when the corresponding event occurs. Nakshima therefore does not disclose or reasonably suggest filtering the status messages in any manner in order to send only those status messages T that are significant enough to be considered important. This lack of filtering is further evidenced by the fact that the status message T is immediately transmitted when each event occurs thereby assuring that each and every message T is transmitted without delay. Accordingly, in Nakshima, *all* status messages T are simultaneously distributed to the plurality of monitoring stations without regard to sending only those status messages T considered to be important status messages. The Lewis reference discloses providing a database of trouble tickets to aid in repair of a network and thus adds nothing to either the Cutrell or Nakshima reference to overcome the deficiencies of the cited references.

The invention as recited in claim 1 discloses,

“1. A method of automatically reporting a detected network fault in a distributed communication network, comprising:  
detecting the network fault;  
*determining whether or not the detected network fault is a reportable network fault;*  
generating an alarm report based upon the reportable network fault; and  
distributing the alarm report based upon a distribution list in real time.”  
(emphasis added)

Therefore, in contrast to the cited references, the invention provides for determining whether or not the detected network fault is a reportable network fault. Referring to Fig. 1 and page 9, third paragraph of the specification, "If the TIS 210 determines that a fault has in fact occurred, then for those faults determined to be of a nature as to have the potential to cause substantial system downtime as reflected in the list of fault conditions, an alarm report 218 is generated which is then forwarded in real time, if desired, to any number of communication devices 216...". In this way, those faults that have been previously determined to pose a significant risk of system downtime (using the list of fault conditions) are passed on to the predetermined distribution list. Reducing the list of all observed faults to only the most important reportable faults, the efficacy of the system is greatly improved over that practiced by any of the cited references taken singly or in any combination.

Accordingly, the Applicant believes that claim 1 is allowable over the cited art and respectfully requests that the Examiner withdraw the rejection of claim 1.

Independent claim 10 describes an apparatus for automatically reporting detected network operation faults that includes,

"a fault analyzer coupled to the fault detector unit arranged to ascertain whether or not the detected network operation fault is a reportable network operation fault."

Accordingly, claim 10 discloses a fault analyzer for ascertaining which of the detected network operation faults is a reportable operation fault. Accordingly, claim 10 is also neither taught nor suggested by any of the cited references taken singly or in any combination and is therefore allowable. The Examiner is respectfully requested to withdraw the rejection of claim 10.

All dependent claims depend either directly or indirectly from independent claims 1, 10 and 17 and are therefore also allowable for at least the reasons stated above.

## CONCLUSION

In view of the foregoing, it is respectfully submitted that all pending claims are allowable. Should the Examiner believe that a further telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Respectfully submitted,



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